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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,796	04/06/2001	Marta Karczewicz	NC17525	8882
26343	7590	09/07/2004	EXAMINER WARE, CICELY Q	
STEVEN A. SHAW NOKIA, INC. 6000 CONNECTION DRIVE MD 1-4-755 IRVING, TX 75039			ART UNIT 2634	PAPER NUMBER

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/827,796	Applicant(s) KARCZEWICZ ET AL.	
	Examiner Cicely Ware	Art Unit 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Pg. 2, line 23-24, applicant uses the phrase "exploits spatial as well temporal". Examiner suggests using "exploits spatial as well as temporal" for clarification purposes.
 - b. Pg. 5, line 31, examiner suggests deleting "-" for clarification purposes.
 - c. Pg. 6, line 17, examiner suggests deleting "-" for clarification purposes.

Appropriate correction is required.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Igi et al. (US Patent 6,414,999) in view of Huang et al. (US Patent 6,516,002).

With regard to claim 5, Igi et al. discloses a method for switching between a plurality of bitstreams in a data communication system, said method comprising the steps of: placing a first picture within each of said plurality of bitstreams in locations at which switching from one of said plurality of bitstreams to another one of said plurality of bitstreams is desired; transmitting a second picture wherein said first picture and said second picture are represented by different bitstreams, but wherein said first picture and said second picture reconstructed values are identical (Fig. 3, 5, 7, 9, 11, col. 1, lines 10-12, 36-40, col. 2, lines 53-55, col. 4, lines 9-10, col. 5, lines 36-40, col. 6, lines 33-35, 41-44, col. 10, lines 43-46, 52-55).

However Igi et al. does not disclose wherein said bitstreams correspond to a same data sequence but are encoded at different bitrates.

However Huang et al. discloses wherein said bitstreams correspond to a same data sequence but are encoded at different bitrates (col. 1, lines 11-12, 59-67, col. 2, lines 6-8, 63-67, col. 3, lines 1-5).

Therefore it would have been obvious to one of ordinary skill in the art to modify Igi et al. to incorporate wherein said bitstreams correspond to a same data sequence but are encoded at different bitrates because the more bits used to encode a picture, the better the picture quality (Huang et al., col. 3, lines 5-7).

Conclusion

5. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure:

a. Rosengren et al. US Patent 5,633,683 discloses an arrangement and method for transmitting and receiving MOSAIC video signals including sub-pictures for easy selection of a program to be viewed.

b. Ohta US Patent 4,942,465 discloses a method of coding a digital video signal for reverse reproduction of pictures.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
September 1, 2004


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800